

**Notice of Allowability**

Application No.

10/603,276

Applicant(s)

SKILES, JOHN M.

Examiner

Quochien B. Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/26/2003.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>06/26/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

***Reasons for Allowance***

1. Claims 1-4 are allowed over the cited prior art.
2. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 4, Chen (US 5,839,919) disclose an accessory for a cellular telephone (figure 2) comprising: a) a base unit (3) which is adapted to be mounted in a cigarette lighter receptacle of a motor vehicle; b) an arm pivotally connected to said base unit; c) a cellular telephone-supporting unit (4) fixedly attached to said arm and which includes a ledge (414) , a first side element (412) movably mounted on said cellular telephone supporting unit, a second side element (413) movably mounted on said cellular telephone supporting unit, and a side element-moving mechanism in said cellular telephone supporting unit (column 2, line 32 – column 3, line 9). Wang (US 6,272,362) disclose an accessory for a cellular telephone (figure 1) comprising a headset unit which includes a headband having at least one earphone (141) thereon, a microphone (142) mounted on the headband, a cord (12, 14) adapted to electrically connect the earphone and the microphone to the cellular telephone (column 1, line 57 – column 2, line 15). And MacDonald, Jr. Et al. (US 6,374,126) disclose a hand-free headset (figures 4-5) with a cord adapted to electrically connect the earphone and the microphone to the cellular telephone, a cord reel (figure 8), mechanically connected the a jack on the cord adapted to electrically connect the cord to the cellular telephone (column 5, line 35 – column 6, line 33; column 8, line 60 – column 9, line 4). However, Chen, Wang, and MacDonald, Jr. Et al., either alone or combined, fail to teach or fairly suggest the accessory for the cellular telephone wherein

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the cellular telephone-supporting unit further comprising a headset supporting hook on the second side element and a side element-moving mechanism in said cellular telephone supporting unit, the side element-moving mechanism including a width adjustment knob on the cellular telephone supporting unit, the width adjustment knob being connected to the first and second side elements; and the headset unit further comprising a volume control located on the cord reel and a cord lock button located on the cord reel and which is mechanically connected to the cord.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 06/26/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang (US 5,414,770) discloses structure of mobile telephone rack.

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Furuno (US 5,724,667) discloses portable telephone having removable transducer.

Fan (US 5,860,824) discloses extension device for mounting in automobile cigarette lighter holder.

Yahia (Us 6,138,041) discloses device for safe use of a portable cellular telephone when driving.

Pan (Us 6,304,764) discloses hands-free cellular phone kit.

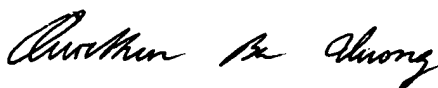
Taylor (US 6,712,304) discloses cellular communication device with integral headset retraction assembly.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG  
PRIMARY EXAMINER

Quochien B. Vuong  
Sep. 18, 2005.